Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 11,819

77-885

COMMISSIONER OF EDUCATION OF NEW JERSEY AND SUPERINTENDENT OF SCHOOLS OF HUNTERDON COUNTY,

Petitioners,

v.

BOARD OF EDUCATION OF THE NORTH HUNTERDON REGIONAL HIGH SCHOOL, TOWNSHIP OF FRANKLIN, CHARLES MATHEWS, AUGUST KNISPEL and CHARLES A. PATKOCHIS,

Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of New Jersey

SUPPLEMENTAL BRIEF OF PETITIONERS

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SUPPLEMENTAL BRIEF OF PETITIONERS

The respondents, Township of Franklin, Charles Mathews, August Knispel and Charles A. Patkochis, waived their right to file a brief in opposition to Peti-

tion for Writ of Certiorari. However, these respondents seek to rely upon certain arguments raised in their brief in opposition to Motion for Stay previously filed in this matter. In such response, the respondents attach great significance to a legislative proposal, A-3584, then pending before the Governor of New Jersey. A copy of this bill was appended to their response.

The bill, A-3584, had been transmitted to the Governor in accordance with the provisions of Article V, Section 1, Paragraph 14(b) of the New Jersey Constitution. In accordance with that constitutional provision, A-3584 would only become law if signed by the Governor within the forty-five (45) day period, Sundays excepted, following the adjournment *sine die* of the Legislature. On March 3, 1978, Governor Brendan T. Byrne, stated that he would not sign A-3584 and would file it, without approval. This action of Governor Byrne had the same effect as a veto of A-3584.

Therefore, to the extent that respondents' argument is premised upon the possible enactment of A-3584 into law, it is no longer viable.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

JOHN J. DEGNAN
Attorney General of New Jersey
Attorney for the Petitioners, Commissioner of Education of New Jersey and Superintendent of Schools of Hunterdon County.